

# The Gazette of India

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as a separate compilation

### LOK SABHA

The following Bills were introduced in Lok Sabha on the 1st  
December, 1964:—

#### BILL No. 79 OF 1964

*A Bill to authorise payment and appropriation of certain further  
sums from and out of the Consolidated Fund of India for the  
services of the financial year 1964-65.*

BE it enacted by Parliament in the Fifteenth Year of the  
Republic of India as follows:—

1. This Act may be called the Appropriation (No. 6) Act, 1964. **Short title.**
2. From and out of the Consolidated Fund of India there may be **Issue of**  
5 paid and applied sums not exceeding those specified in column 3 of Rs. 1,02,63,  
the Schedule amounting in the aggregate to the sum of one hundred 78,000  
and two crores, sixty-three lakhs and seventy-eight thousand rupees out of  
towards defraying the several charges which will come in course of the Con-  
solidated  
10 payment during the financial year 1964-65, in respect of the services Fund of  
India  
for the  
year  
1964-65.  
specified in column 2 of the Schedule.
3. The sums authorised to be paid and applied from and out of Appro-  
the Consolidated Fund of India by this Act shall be appropriated priation.  
for the services and purposes expressed in the Schedule in relation  
to the said year.

**THE SCHEDULE**  
(See sections 2 and 3)

1	2	3			
No. of Vote	Services and purposes	Sums not exceeding			5
		Voted by Parliament	Char- ged on the Conse- lidated Fund	Total	10
9	Education . . . . .	Rs. 1,000	Rs. ..	Rs. 1,000	
41	Other Revenue Expenditure of the Minis- try of Food and Agriculture . . . .	2,00,00,000	..	2,00,00,000	15
76	Other Revenue Expenditure of the Minis- try of Law . . . . .	25,000	..	25,000	
90	Ministry of Works, Housing and Rehabili- tation . . . . .	9,93,000	..	9,93,000	
92	Stationery and Printing . . . . .	..	32,000	32,000	
95	Department of Atomic Energy . . . .	98,000	..	98,000	20
96	Atomic Energy Research . . . . .	33,87,000	..	33,87,000	
108	Lok Sabha . . . . .	10,00,000	..	10,00,000	
110	Rajya Sabha . . . . .	8,40,000	..	8,40,000	
125	Purchase of Foodgrains . . . . .	1,00,00,00,000	..	1,00,00,00,000	
136	Capital Outlay of the Ministry of Steel, Mines and Heavy Engineering . . . .	2,000	..	2,000	23
TOTAL		1,02,63,46,000	32,000	1,02,63,78,000	

## STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 1964-65.

T. T. KRISHNAMACHARI.

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PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 5(15)-B/64, dated the 16th November, 1964 from Shri T. T. Krishnamachari, Minister of Finance to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the year ending on the 31st day of March, 1965, recommends the introduction of the Appropriation (No. 6) Bill, 1964 in the Lok Sabha and also recommends to the Sabha the consideration of the Bill under article 117(1) and (3) of the Constitution read with article 115 thereof.

2. The Bill will be introduced in the Lok Sabha after all the Supplementary Demands for Grants for 1964-65 have been voted.

## BILL No. 78 OF 1964

*A Bill further to amend the Essential Commodities Act, 1955 and the Criminal Law Amendment Act, 1952.*

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

- Short title, commencement and duration.
1. (1) This Act may be called the Essential Commodities (Amendment) Act, 1964.
- (2) It shall be deemed to have come into force on the 5th day of 5 November, 1964.
- (3) It shall cease to have effect on the 31st day of December, 1966, save as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897 shall apply upon such cesser as if it had then been repealed by a Central Act. 10
- Insertion of new section 12A in Act 10 of 1955.
2. In the Essential Commodities Act, 1955, after section 12, the 10 of 1897. following section shall be inserted, namely:—
- Power to try summarily.
- “12A. (1) If the Central Government is of opinion that a situation has arisen where, in the interests of production, supply or distribution of any essential commodity or trade or com- 15 merce therein and other relevant considerations, it is necessary that the contravention of any order made under section 3 in relation to such essential commodity should be tried summarily, the Central Government may, by notification in the Official Gazette,

specify such order to be a special order for purposes of summary trial under this section, and every such notification shall be laid, as soon as may be after it is issued, before both Houses of Parliament.

5 of 1898. (2) Where any notification issued under sub-section (1) in relation to a special order is in force, then, notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences relating to the contravention of such special order shall be tried in a summary way and by a magistrate of the first-class specially empowered in this behalf by the State Government or by a presidency magistrate, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

15 Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year.

5 of 1898. (3) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried summarily under this section in which the magistrate passes a sentence of imprisonment not exceeding one month, or of fine not exceeding two thousand rupees, or both, whether or not any order of forfeiture of property or an order under section 517 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence of imprisonment or fine in excess of the aforesaid limits is passed by the magistrate.

30 (4) Where any notification is issued under sub-section (1) in relation to a special order, all cases relating to the contravention of such special order and pending on the date of the issue of such notification shall, if no witnesses have been examined before the said date, be tried in a summary way under this section, and if any such case is pending before a magistrate who is not competent to try the same in a summary way under this section, it shall be forwarded to a magistrate so competent.”.

3. In the Criminal Law Amendment Act, 1952, after section 8, the following section shall be inserted, namely:—

Insertion  
of new  
section  
8A in  
Act 46  
of 1952.

“8A. (1) Where a special Judge tries any offence specified in sub-section (1) of section 6 alleged to have been committed

Power to  
try sum-  
marily.

by a public servant in relation to the contravention of any special order referred to in section 12A of the Essential Commodities Act, 1955, then, notwithstanding anything contained in sub-section (1) of section 8 of this Act or section 260 of the Code of Criminal Procedure, 1898, the special Judge shall try the offence in a summary way, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

10 of 1955.

5 of 1898.

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the special Judge to pass a sentence of imprisonment for a term not exceeding one year.

(2) Notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried summarily under this section in which the special Judge passes a sentence of imprisonment not exceeding one month, or of fine not exceeding two thousand rupees, or both, whether or not any order under section 517 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence of imprisonment or fine in excess of the aforesaid limits is passed by the special Judge.

5 of 1898.

(3) Where any notification is issued under sub-section (1) of section 12A of the Essential Commodities Act, 1955, in relation to a special order, all cases triable summarily under this section in relation to such special order and pending on the date of the issue of such notification shall, if no witnesses have been examined before the said date, be tried by the special Judge in a summary way under this section."

10 of 1955.

Repeal.

4. (1) The Essential Commodities (Amendment) Ordinance, 1964, is hereby repealed.

3 of 1964.

(2) Notwithstanding such repeal, anything done or any action taken under section 12A of the Essential Commodities Act, 1955, or section 8A of the Criminal Law Amendment Act, 1952, as inserted by the said Ordinance, shall be deemed to have been done or taken under those sections as inserted by this Act.

10 of 1955.

46 of 1952.

## STATEMENT OF OBJECTS AND REASONS

The question of controlling the prices of foodstuffs and other essential commodities and ensuring the supply and distribution in adequate quantities of these commodities has been engaging the close and constant attention of the Government. There has been widespread public criticism of the manner in which some sections of the trade and middlemen were able to get round, and render ineffective, the legal and administrative measures devised for the maintenance of supplies essential to the community. It was, therefore, felt that the existing procedure governing trial of offences relating to the supply and distribution of foodstuffs and other essential commodities and enforcement of the prices fixed for these commodities under the law should be amended immediately, in order to make the trial of these offences quick and effective. As most of the orders regarding the fixation of prices and maintenance of distribution and supply of essential commodities had been issued under section 3 of the Essential Commodities Act, it was considered necessary to amend the Essential Commodities Act, 1955, and the Criminal Law Amendment Act, 1952, to provide for the summary trial of persons contravening orders issued under section 3 of the Essential Commodities Act in relation to such of these essential commodities as may be notified from time to time and of public servants charged with offences of bribery, mis-conduct, etc., in regard to contravention of the said orders. As Parliament was not in session and in view of the urgency of the matter, the necessary amendments were given effect to by the Essential Commodities (Amendment) Ordinance promulgated by the President on November 5, 1964. The present Bill seeks to replace the Ordinance, with some minor modifications, by an Act of Parliament which is intended to be in force for a limited period.

NEW DELHI;  
*The 27th November, 1964.*

C. SUBRAMANIAM.

S. L. SHAKDHER,  
*Secretary.*

